



U.S. Department
of Transportation
**Federal Highway
Administration**

Order

Subject

**CIVIL RIGHTS RESPONSIBILITIES
OF MOTOR CARRIER SAFETY ASSISTANCE
PROGRAM (MCSAP)**

Classification Code 4720.1A Date July 16, 1993

- Par. 1. Purpose
2. Cancellation
3. Authorities
4. Scope
5. Policy
6. Background
7. Functions and Responsibilities
8. Technical Assistance
9. Sanctions

1. PURPOSE. To clarify roles and responsibilities and prescribe procedures by which the Federal Highway Administration (FHWA) may assist Motor Carrier Safety Assistance Program (MCSAP) recipients in meeting applicable civil rights requirements.

2. CANCELLATION. FHWA Order 4720.1, Civil Rights Responsibilities of Motor Carrier Safety Assistance Program (MCSAP) and Commercial Driver's License Program (CDL) Recipients, dated September 13, 1991, is canceled.

3. AUTHORITIES

a. Civil Rights

- (1) Age Discrimination in Employment Act (ADA) of 1967.
- (2) Americans with Disabilities Act of 1990.
- (3) Executive Order 11246, as amended.
- (4) Rehabilitation Act of 1973.
- (5) Titles VI and VII of the Civil Rights Act of 1964.
- (6) Title 23, Code of Federal Regulations (CFR), Part 1, Subpart 36; Part 200; and Part 230, Subpart C.
- (7) Title 29, CFR, Parts 1607 and 1608.

DISTRIBUTION: Level 2: Headquarters
Regions
Divisions

OPI: HCR-10

July 16, 1993

(8) Title 49, CFR, Parts 21 and 27.

(9) Department of Transportation (DOT) Orders 1000.12 and 1050.2.

b. Motor Carriers

(1) Commercial Motor Vehicle Safety Act of 1986.

(2) Surface Transportation Assistance Act of 1982.

(3) Title IV of the Intermodal Surface Transportation Efficiency Act of 1991, subtitled the Motor Carrier Safety Act of 1991.

(4) Title 49, CFR, Part 350.

4. SCOPE. This Order applies to the Washington Headquarters and Regional Civil Rights Offices and Motor Carriers staffs at the Washington Headquarters, regional office, and field division levels responsible for conducting civil rights compliance reviews and providing technical assistance to grant recipients. A listing of the MCSAP lead agencies is contained in Attachment 1.

5. POLICY. It is the policy of the FHWA that no person be subjected to discrimination based on race, color, religion, sex, national origin, handicap/disability, or age with regard to the impacts, services or benefits, access, participation or treatment, or employment in connection with any program or activity of a Federal-aid recipient.

6. BACKGROUND

a. The MCSAP grant agreements were modified to incorporate applicable civil rights assurances and to inform recipients about nondiscrimination and equal employment opportunity (EEO) requirements inherent in receiving Federal funds. These revised agreements are Attachments 2, 3 and 4.

b. Pursuant to the grant application, Attachment 2, paragraph 5(c), each recipient with a work force of 15 or more is required to have an Affirmative Action Plan that is effective in preventing discrimination and ensuring EEO through affirmative action where the need is identified. The

Uniform Guidelines on Employee Selection Procedures (29 CFR Part 1607), the Affirmative Action Guidelines (29 CFR Part 1608), and FHWA regulations "State Highway Agency Equal Employment Opportunity Programs" (23 CFR Part 230, Subpart C) provide recipients with guidance on Affirmative Action Plan development.

- c. As a condition of receiving Federal financial assistance (Attachment 3, paragraph 11), recipients must comply with the Department of Transportation's (DOT) nondiscrimination requirements codified at 49 CFR Part 21.

7. FUNCTIONS AND RESPONSIBILITIES

a. Washington Headquarters Office of Civil Rights

- (1) The Policy and Program Development Division is responsible for the following:
 - (a) developing civil rights policy as it relates to motor carriers,
 - (b) coordinating policy development with the staff of the Associate Administrator for Motor Carriers, and
 - (c) ensuring the proper administration of the civil rights programs affecting MCSAP with the Associate Administrator for Motor Carriers and staff, the DOT, other DOT Modal Administrations, the Equal Employment Opportunity Commission, and other Federal agencies, as necessary.
- (2) The Program Operations Division is responsible for the following:
 - (a) providing technical assistance and training to the regional civil rights staffs and to the Motor Carriers staffs at the Washington Headquarters, regional, and field division levels,
 - (b) receiving and processing complaints of discrimination in accordance with existing regulations and guidance, and

- (c) advising the Associate Administrator for Motor Carriers and staff of the acceptance of complaints of discrimination against the MCSAP recipients.

b. The Regional Civil Rights Offices are responsible for:

- (1) reviewing and recommending (a) approval, (b) approval with conditions, or (c) disapproval of Affirmative Action Plans developed or adopted by MCSAP recipients;
- (2) approving the Title VI and Rehabilitation Act/ADA Transition Plans developed or adopted by MCSAP recipients;
- (3) developing the on-site review schedule in coordination with the Regional Office of Motor Carriers;
- (4) conducting periodic on-site reviews of the recipients' administration of their civil rights programs to determine compliance with applicable statutes and regulations;
- (5) assisting the motor carrier recipient found in noncompliance with the development of a Corrective Action Plan;
- (6) assisting the Motor Carriers staff at the field division level with the monitoring of the commitments made in the recipients' Corrective Action Plans;
- (7) receiving and processing complaints of discrimination in accordance with existing regulations and guidance, and forwarding the complaints to the Program Operations Division, Office of Civil Rights;
- (8) providing information on and mediating informal resolution meetings to resolve complaints of discrimination;
- (9) notifying the Regional Office of Motor Carriers of filed complaints of discrimination;
- (10) reviewing and analyzing Equal Employment Opportunity Commission's (EEOC) Form 164

(Attachment 5) employment data for conformance to the guidelines, reviewing the assessments or recommendations of the Motor Carriers staff at the field division level for any suggested corrective action or on-site review, and forwarding this form to the Program Operations Division, Office of Civil Rights, within 10 days of receipt of Form 164; and

- (11) providing technical assistance and in-service training on EEO, equal opportunity, and nondiscrimination to the Motor Carriers staffs at the regional office and field division levels.

c. The Regional Offices of Motor Carriers are responsible for the following:

- (1) approving the recipient's Affirmative Action Plan, and
- (2) assisting the Regional Civil Rights Office with the development of the on-site review schedules.

d. Motor Carriers Staff at the Field Division Level. The Motor Carrier State Director or Officer-in-Charge is responsible for the following:

- (1) forwarding the Affirmative Action Plan or Affirmative Action Plan Update to the Regional Civil Rights Office for review and recommendation of approval/disapproval,
- (2) with guidance from the Regional Civil Rights staff, providing technical assistance to MCSAP recipients regarding employment patterns, EEO, and nondiscrimination,
- (3) notifying the MCSAP recipients of civil rights training or conferences sponsored by the FHWA or by the State highway or transportation agencies and encouraging the recipients to attend,
- (4) accompanying the Regional Civil Rights staff when conducting on-site reviews or discrimination complaint investigations of MCSAP recipients,

- (5) notifying the recipients that a copy of the required EEOC Form 164 or a breakdown of the data using the EEOC Form 164 format shall be submitted Motor Carriers staff at the field division level annually as part of the State Enforcement Plan, and
 - (6) reviewing the EEOC Form 164 data and making assessments or recommendations to the Regional Civil Rights Office about the recipient's employment data; forwarding the Form 164 and the assessments or recommendations of the Motor Carriers staff at the field division level to the Regional Civil Rights Office within 15 days of receipt of EEOC Form 164.
8. TECHNICAL ASSISTANCE. Examples of technical assistance guidance are listed below:
- a. Assurances
 - (1) Title VI. The grant application/agreement requires that each applicant/recipient provides a Title VI assurance to prevent discrimination and provide EEO and equal opportunity (Attachments 2 and 3, paragraph 11).
 - (2) Rehabilitation Act/ADA. The grant application/agreement requires that each applicant/recipient provides an assurance to prevent discrimination against persons with disabilities and provide EEO and equal opportunity for persons with disabilities (Title 49, CFR, Part 27, Subpart 9).
 - b. Plans
 - (1) Affirmative Action Plan (OMB NO. 2125-0536)
 - (a) Each applicant/recipient should submit an Affirmative Action Plan with the grant application/agreement or commit to a specific date by which the Plan will be submitted (Attachments 2 and 3, paragraph 5(c)).
 - (b) An Affirmative Action Plan that is consistent with the guidance contained in Title 29, CFR,

Parts 1607 or 1608 or Title 23, CFR, Part 230, Subpart C, will meet this requirement. The plan must contain a critical self-analysis; a reasonable basis for determining that action is appropriate (i.e., employment practices that have or tend to have an adverse impact on employment for previously excluded groups or result in disparate treatment); and reasonable action, including goals and timetables, to overcome identified problems.

- (c) A reasonable Affirmative Action Plan should span 5 years with annual goals and timetables for achieving the plan within the specified time.
- (2) Affirmative Action Plan Update. The update of the Affirmative Action Plan, with goals, shall be submitted annually with the recipient's State Enforcement Plan or as otherwise required to the Motor Carriers staff at the field division level (Title 23, CFR, Part 230, Subpart C).
- (3) Title VI Plan. The Title VI Plan that is consistent with the guidance contained in Title 23, CFR, Part 200 will meet the requirements of Attachments 2 and 3, paragraph 11.
- (4) Rehabilitation Act/ADA Transition Plan. The Transition Plan that is consistent with the guidance contained in Title 49, CFR, Part 27 will meet the requirements of the grant application/agreement. The plan is required of recipients with 50 or more employees.

c. Recipients

- (1) State Highway or Transportation Agency. Recipients that are part of a State highway or transportation agency that receives Federal-aid highway program funds are covered by the State's Title VI, Rehabilitation/ADA Transition, and Affirmative Action Plans which meet the requirements of the grant application or agreement and applicable statutes and regulations.

- (2) Independent Recipients. A recipient that is not a part of a State highway or transportation agency must develop or adopt an Affirmative Action Plan, ADA Transition Plan, and a Title VI Plan that satisfies the provisions of the grant application/agreement and applicable statutes and regulations.

d. Reports

- (1) The EEOC requires that all recipients with 15 or more employees receiving Federal funds, must complete EEOC Form 164 entitled "State and Local Government Information (EEO-4)," (Attachment 5) and submit this form to EEOC by July 31 biennially.
- (2) This information shall be collected annually for FHWA; and a copy of this form shall be submitted to the Motor Carriers staff at the field division level with the State Enforcement Plan.

- e. Compliance Reviews. The regional civil rights staff will conduct periodic compliance reviews of a recipient's civil rights programs; i.e., non-discrimination, equal opportunity, ADA, EEO, etc. These reviews should be coordinated with the Motor Carriers staff at the field division level as required by Title 49, CFR, Part 21, Subpart 11, and Title 23, CFR, Part 200, Subpart 9b(7).

- f. Finding of Noncompliance. If a compliance review or a discrimination complaint investigation of a MCSAP recipient results in a finding of discrimination or in a finding of noncompliance with the approved plans, applicable statutes, or regulations, the Regional Civil Rights Director shall require the recipient to submit a Corrective Action Plan outlining the efforts taken or proposed to address the cited deficiencies.

9. SANCTIONS. Prior to initiating the formal sanction procedures outlined in Title 49, CFR, Part 21, Subpart 13, the instances of noncompliance shall be addressed

informally as required by Title 49, CFR, Part 21, Subpart 11, and Part 350. If the attempts at resolution are not successful, the Federal Highway Administrator may take action in accordance with Title 49, CFR, Part 21, Subpart 13; Part 350; or Title 23, CFR, Part 1, Subpart 36.

A handwritten signature in black ink, appearing to read "Rodney E. Slater", with a stylized flourish at the end.

Rodney E. Slater
Federal Highway
Administrator

Attachments

MCSAP LEAD AGENCIES

<u>STATE</u>	<u>LEAD AGENCY</u>	<u>CONTACT</u>
Alabama	Dept. of Public Safety Highway Patrol Division 500 Dexter Avenue Montgomery, AL 36104 205-242-4395	Capt. W. R. Applin Lt. T. E. Mesaris
Alaska	Dept. of Public Safety Div. of AK State Troopers 5700 E. Tudor Road Anchorage, AK 99507 907-269-5552	Corp. Brad Brown MCSAP Coordinator
American Samoa	Dept. of Public Safety P.O. Box 186 Pago Pago, AQ 96799 684-699-9199	Mr. Po'oai A. Ripley MCSAP Coordinator
Arizona	Dept. of Public Safety P.O. Box 6638 Phoenix, AZ 85005 602-223-2044	Ms. Ursula B. Miller MCSAP Coordinator
Arkansas	State Highway & Transportation Dept. P.O. Box 2779 Little Rock, AR 72203 501-569-2365	Lt. Paul Claunch Arkansas Highway Police
California	Dept. of California Highway Patrol Enforcement Services Div. 444 N. Third Avenue P. O. Box 942898 Sacramento, CA 94298-0001 916-445-1865	Asst. Chief T. W. Ross MCSAP Program Coordinator
Colorado	State Patrol 700 Kipling Street Denver, CO 80215 303-232-5602	Capt. Joe Mikita
Connecticut	Dept. of Motor Vehicles 60 State Street Wethersfield, CT 06109 203-566-5589	Mr. William R. Schaefer MCSAP Coordinator

FHWA ORDER 4720.1A
July 16, 1993
ATTACHMENT 1

Delaware	State Police P. O. Box 430 Dover, DE 19901 302-736-5933	Sgt. John Chadick
District of Columbia	Metropolitan Police Dept. Room 3148 300 Indiana Avenue, NW. Washington, D.C. 20001-2188 202-727-4453	Mr. Roy J. Burton Planning & Development
Florida*	Dept. of Transportation Office of Motor Carrier Compliance 2540 Executive Center Circle W. Douglas Building, Room 208 Tallahassee, FL 32399- 0450 904-488-7920	Col. Chuck Bradshaw Major Robert W. Ball
Georgia	Public Service Commission 1007 Virginia Avenue Suite 310 Hapeville, GA 30354 404-559-6602	Ms. Lucie A. Ramey Director of Compliance & Safety Mr. Al Hatcher Director, Transportation Division
Guam	Dept. of Revenue & Taxation 855 West Marine Drive Agana, GQ 96910 671-646-6796	Mr. Frank C. Benavente MCSAP Coordinator
Hawaii	Dept. of Transportation Motor Vehicle Safety Office 79 S. Nimitz Highway Honolulu, HI 96813 808-548-5486	Mr. Alexander K. Kaonoki Motor Carrier Safety Manager
Idaho	Dept. of Law Enforcement Idaho State Police P.O. Box 55 Boise, ID 83707 208-334-2130	Capt. David C. Rich
Illinois	Dept. of Transportation P.O. Box 19212 Springfield, IL 62764- 9212 217-782-4974	Mr. Larry F. Wort Chief, Bureau of Safety Programs

FHWA ORDER 4720.1A
July 16, 1993
ATTACHMENT 1

Indiana	State Police 1810 S. Lynnhurst Suite Q Indianapolis, IN 46241 317-241-5069	Major John H. Hill Commander, Motor Carrier Division
Iowa	Dept. of Transportation Motor Vehicle Enforcement 5268 N.W. 2nd Avenue Des Moines, IA 50313 515-237-3218	Ms. Valerie Hunter
Kansas	Highway Patrol Motor Vehicle Enforcement Troop 700 Jackson, Suite 500 Topeka, KS 66603 913-296-7900	Capt. Michael Kuhn
Kentucky	Division of Motor Vehicle Enforcement New State Office Building Room 804 Frankfort, KY 40622 502-564-3276	Major Steve Anders Assistant Director Capt. Steven Maffett Principal Assistant
Louisiana	Dept. of Public Safety & Corrections Office of State Police P. O. Box 66614 Baton Rouge, LA 70896 504-925-6113	Capt. Louis Cook
Maine	State Police Traffic Division State House Station 20 Augusta, ME 04333 207-289-1057	Lt. Harlan Pierson Size/Weight Supervisor
Maryland	Dept. of Transportation State Highway Administration P. O. Box 8755 BWI Airport, MD 21240-0755 410-859-7362	Mr. Mati Koiva
Massachusetts	Dept. of Public Safety State Police Division Traffic Unit Elm Street Concord, MA 01742 508-369-1004	Lt. Gary Burns

FHWA ORDER 4720.1A
July 16, 1993
ATTACHMENT 1

Michigan	Dept. of State Police Motor Carrier Division 300 North Clippert Lansing, MI 48913 517-336-6195	Capt. James A. Carter
Minnesota	State Patrol Division Dept. of Public Safety Commercial Vehicle Section District 4700 100 Stockyard Road Room 252 South St. Paul, MN 55075 612-296-5949	Lt. Brian D. Erickson
Mississippi	Public Service Commission P. O. Box 1174 Jackson, MS 39215-1174 601-961-5443	Mr. Don Bennett Program Manager Mr. Neilson Cochran Chairman Mr. James "Mac" Mohead Chief Enforcement Officer.
Missouri	Dept. of Public Safety 301 W. High Street P. O. Box 749 Jefferson City, MO 65102 314-751-4905	Ms. Diane Roods State Program Manager
Montana	Highway Patrol 303 Roberts Street Helena, MT 59620 406-444-3300	LTC James Stotts
Nebraska	State Patrol 3920 NW 39th Street Lincoln, NE 68524 402-471-0105	Mr. Doug Donscheski MCSAP Coordinator
Nevada	Dept. of Motor Vehicles & Public Safety Nevada Highway Patrol 555 Wright Way Carson City, NV 89711 702-687-5337	Ms. Barbara R. Urbani MCSAP Coordinator
New Hampshire	Dept. of Safety Hazen Drive Concord, NH 03305 603-271-1026	Mr. E. James Daley Director of Enforcement

FHWA ORDER 4720.1A
July 16, 1993
ATTACHMENT 1

New Jersey	Dept. of Transportation 1035 Parkway Ave., CN 600 Trenton, NJ 08625 609-530-8026	Mr. Theadore Matthews Director, Office of Freight Services
New Mexico	Motor Transportation Div. Taxation & Revenue Dept. P. O. Box 1028 Santa Fe. NM 87504-1028 505-827-2266	Ms. Holly J. Kinley
New York	Dept. of Transportation State Campus, Bldg. 5 Room 312 Albany, NY 12232 518-457-3406	Mr. Matthew J. Ryan Chief, Hazardous Materials Transportation & Commercial Vehicle Safety
North Carolina	Div. of Motor Vehicles 1100 New Bern Avenue Raleigh, NC 27697 919-733-7872	Mr. T. R. (Randy) Powers Administrative Director Mr. Paul C. Richardson Director, Enforcement Section Mr. F. L. Letterman Administrative Assistant
North Dakota	Highway Patrol Capital Building Bismarck, ND 58505 701-224-2455	Major Arden J. Johnson
Northern Marianas*	Dept. of Public Safety Commonwealth of the Northern Marian Islands Saipan, TQ 96950	Mr. Felix B. Cabrera Director of Public Safety
Ohio	Public Utilities Commission Transportation Department 180 East Broad St. 5th Floor Columbus, OH 43266-0573 614-466-3682	Mr. Thomas L. Yager Chief, Enforcement Division
Oklahoma	Dept. of Public Safety P. O. Box 11415 Oklahoma City, OK 73136-0415 405-521-6104	Lt. Gary Thomas Troop S

July 16, 1993

ATTACHMENT 1

Oregon	Public Utilities Commission Labor & Industries Building Salem, OR 97310 503-378-6736	Mr. Paul Henry
Pennsylvania	Dept. of Transportation Center for Highway Safety 214 Transportation & Safety Building Harrisburg, PA 17120 717-787-7445	Mr. Daniel R. Smyser
Puerto Rico	Public Service Commission P. O. Box CP San Juan, PQ 00919-3806 809-763-0687	Mr. Edgardo Diaz
Rhode Island	Dept. of Transportation Div. of Motor Vehicles 106 State Office Building Providence, RI 02903 401-277-3410	Mr. John DiTomasso Coordinator, State & Local Highway Programs
South Carolina	Public Service Commission Transportation Division P. O. Drawer 11649 Columbia, SC 29211 803-737-5194	Mr. William Metcalfe Commercial Motor Vehicle Coordinator Mr. A. R. (Randy) Griffin Director
South Dakota*	Dept. of Commerce	Mr. Jeff Stingley 605-773-3178
Tennessee	Public Service Commission 460 James Robertson Parkway Nashville, TN 37219-5477 615-741-2974	Mr. Paul Melander Manager Mr. Gordon Smith Director of Transportation Mr. Benny Lapin, Manager
Texas	Dept. of Public Safety Traffic Law Enforcement P. O. Box 4087 Austin, TX 78773 512-465-2116	Capt. Lester Mills
Utah	Dept. of Transportation Division of Safety 4501 S. 2700 West Salt Lake City, UT 84119 801-965-4266	Mr. David L. Alder

FHWA ORDER 4720.1A
July 16, 1993
ATTACHMENT 1

Vermont	Agency of Transportation 120 State Street Montpelier, VT 05603 802-828-2087	Mr. Lloyd Harvey Manager, Field Services Administration
Virginia	State Police P. O. Box 27472 Richmond, VA 23261-7472 804-674-2018	Lt. Herbert B. Bridges
• Virgin Islands*	U.S. Virgin Islands Police Force P. O. Box 210 Charlotte Amale, VI 00801	Mr. Al M. Donastorg
Washington	State Patrol Commercial Vehicle Division 515 - 15th Avenue, KA-12 Olympia, WA 98504 206-586-2229	Capt. LaVere E. Klewin
West Virginia	Public Service Commission P. O. Box 812 Charleston, WV 25323 304-340-0453	Mr. Bob R. Brooks
Wisconsin	Dept. of Transportation Division of State Patrol 4802 Sheboygan Avenue P. O. Box 7912 Madison, WI 53707-7912 608-266-0305	Lt. Lyle T. Walheim
Wyoming	Highway Patrol P. O. Box 1708 Cheyenne, WY 82002-9019 307-777-4317	Lt. Steve Gerard

* Denotes States Not Participating

PROJECT NO. _____

GRANT AGREEMENT
BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION
AND

The _____
(State Lead Agency)

is entered into in accordance with Title IV of the Surface Transportation Assistance Act of 1982 and its subsequent amendments referred to as the "STAA." In accordance with Sections 402-404 of the STAA, the Federal Highway Administrator hereby approves the applications of the State Lead Agency (hereinafter known as the State) for Federal grant funding assistance for the implementation of a Motor Carrier Safety Assistance Program as described in the application.

The total participating cost of the program consisting of the Federal share and the State share is projected to be \$ _____. The Federal share will be \$ _____. The State share will be \$ _____. The Federal share of the approved costs incurred by the State shall not exceed 80 percent unless otherwise authorized.

The State hereby agrees to: (1) carry out the provisions of the Motor Carrier Safety Assistance Program as described in the application in a manner acceptable to the FHWA, (2) submit to the FHWA quarterly reports covering the process of the project and describing the results and the impact of the project in reducing the commercial motor carrier accident rate, (3) maintain accurate and auditable records to support the costs incurred, (4) submit the final claim within 90 days after the project is completed, and (5) comply with the provisions set forth on the reverse hereof.

This agreement is subject to termination by the withdrawal of approval of the State Plan in accordance with Section 402 of the STAA. The State agrees to give the Federal Highway Administrator at least 90 days notice of its intention to terminate this agreement.

This agreement is effective _____ and expires _____.

Name of Authorized Representative

TITLE _____ Date _____

STATE
SEAL

FEDERAL HIGHWAY ADMINISTRATION

**ADVANCE
COPY**

Name of Authorized Representative

TITLE _____ Date _____

GENERAL PROVISIONS FOR MCSAP AGREEMENT

1. **General Provisions:** The State will comply with all requirements imposed by FHWA concerning special requirements of law, program requirements, and other administrative requirements.
2. **Regulation Requirements:** The State hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements, including 49 CFR, Part 350, and applicable OMB Circulars No. A-102 and A-87 as they relate to the application, acceptance and use of Federal funds for this federally-assisted project.
3. **Modifications:** This agreement may be amended at any time by a written modification properly executed by both the FHWA and the State.
4. **Retention and Custodial for Records:**
 - (a) Financial records, supporting documents, statistical records, and all other records pertinent to this instrument shall be retained for a period of three years, with the following exception:
 - (1) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation claims, or audit findings involving the records have been resolved.
 - (2) Records for nonexpendable property, if any, required with Federal funds shall be retained for three years after its final disposition.
 - (3) When records are transferred to or maintained by FHWA, the 3-year retention requirement is not applicable to the recipient.
 - (b) The retention period starts from the date of the submission of the final expenditure report.
 - (c) The Secretary of Transportation and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient, and its contractors and subcontractors, to make audits, examinations, excerpts, and transcripts.
5. **Equal Employment Opportunity:**
 - (a) The application/recipient agrees to incorporate in all contracts having a value of over \$10,000, the provisions requiring compliance with Executive Order 11246, as amended, and implementing regulations of the United States Department of Labor at 41 CFR 60, the provisions of which, other than the standard EEO clause and applicable goals for employment of minorities and women, may be incorporated by reference.
 - (b) The applicant/recipient agrees to ensure that its contractors and subcontractors, regardless of tier, awarding contractors and/or issuing purchase orders for material, supplies, or equipment over \$10,000 in value will incorporate the required EEO provisions in such contracts and purchase orders.
 - (c) The applicant/recipient further agrees that its own employment policies and practices will be without discrimination based on race, color, religion, sex, national origin, handicap or age; and that it has or will develop and submit to FHWA by _____ an affirmative action plan consistent with the Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607, and the Affirmative Action Guidelines, 29 CFR 1608.
6. **Copeland Act:** All contracts in excess of \$2,000 for construction or repair awarded by recipient and its contractors or subcontractors shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This Act provides that each contractor or subcontractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, or give up any part of the compensation to which he or otherwise entitled. The recipient shall report all suspected or reported violations to FHWA.
7. **Davis-Bacon Act:** When required by the Federal program legislation, all construction contracts awarded by the recipient and its contractors or subcontractors of more than \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the G/CAO.
8. **Contract Work Hours and Safety Standards Act:** Where applicable, all contracts awarded by recipient in excess of \$2,500 that involve the employment of mechanics or laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1-1/2 times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act if applicable to construction work provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
9. **Access to Records:** All negotiated contracts (except those of \$10,000 or less) awarded by recipients shall include a provision to the effect that the recipient, FHWA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts, and transcripts.
10. **Civil Rights Act:** The recipient shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and in accordance with Title VI of that Act, no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied that benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient received Federal financial assistance and shall immediately take any measures necessary to effectuate this Agreement. It shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where:
 - (a) The primary purpose of and instrument is to provide employment, or
 - (b) Discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
11. **Nondiscrimination:** The applicant/recipient hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d), related nondiscrimination statutes, and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the applicant/recipient receives Federal financial assistance. The specific requirements of the United States Department of Transportation standard Civil Rights assurances with regard to the States' highway safety programs (required by 49 CFR 21.7 and on file with the U.S. DOT) are incorporated in this grant agreement.
12. **Rehabilitation Act:** The recipient shall comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794, P.L. 93-112), and all requirements imposed by or pursuant to the regulations of the Department of Health, Education, and Welfare (45 CFR, Parts 80, 81, and 84), promulgated under the foregoing statute. It agrees that, in accordance with the foregoing requirements, no otherwise qualified handicapped person, by reason of handicap, shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, and that it shall take any measures necessary to effectuate this Agreement.
13. **Government Rights (Unlimited):** FHWA shall have unlimited rights for the benefit of the Government in all other work developed in the performance of this Agreement, including the right to use same on any other Government work without additional cost to FHWA.



U.S. Department
of Transportation
Federal Highway
Administration

Motor Carrier Safety Assistance Program

The _____
(State Lead Agency)
hereby applies to the Federal Highway Administration for a Federal grant authorized in Title IV of the Surface Transportation Assistance Act of 1982 (P. L. 97-424) and subsequent amendments thereto to enhance a Commercial Motor Carrier Safety program as described in this application.

- ☐ The State Agency plans to carry out the implementation of a Motor Carrier Safety Assistance Program during Federal fiscal year (FY) _____ as described in the State Enforcement Plan.
- ☐ The State Agency plans to carry out special projects of the Motor Carrier Safety Assistance Program not contained in the Basic/Supplemental grant during Federal fiscal year (FY) _____ as described in the attached plan.

The Federal share will not exceed 80 percent of the total participating costs, unless otherwise indicated herein, incurred in performing the effort described in the attached State Plan. The State agrees to submit vouchers for the reimbursement of funds expended.

(Typed Name)

(Organizational Unit)

(Signature)

(Address or P.O. Box)

(Title)

(City, State & Zip Code)

(Date)

(Phone Number)

ADVANCE COPY

GENERAL PROVISIONS FOR MCSAP AGREEMENT

1. **General Provisions:** The State will comply with all requirements imposed by FHWA concerning special requirements of law, program requirements, and other administrative requirements.
2. **Regulation Requirements:** The State hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements, including 49 CFR, Part 350, and applicable OMB Circulars No. A-102 and A-87 as they relate to the application, acceptance and use of Federal funds for this federally-assisted project.
3. **Modifications:** This agreement may be amended at any time by a written modification properly executed by both the FHWA and the State.
4. **Retention and Custodial for Records:**
 - (a) Financial records, supporting documents, statistical records, and all other records pertinent to this instrument shall be retained for a period of three years, with the following exception:
 - (1) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation claims, or audit findings involving the records have been resolved.
 - (2) Records for nonexpendable property, if any, required with Federal funds shall be retained for three years after its final disposition.
 - (3) When records are transferred to or maintained by FHWA, the 3-year retention requirement is not applicable to the recipient.
 - (b) The retention period starts from the date of the submission of the final expenditure report.
 - (c) The Secretary of Transportation and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient, and its contractors and subcontractors, to make audits, examinations, excerpts, and transcripts.
5. **Equal Employment Opportunity:**
 - (a) The application/recipient agrees to incorporate in all contracts having a value of over \$10,000, the provisions requiring compliance with Executive Order 11246, as amended, and implementing regulations of the United States Department of Labor at 41 CFR 60, the provisions of which, other than the standard EEO clause and applicable goals for employment of minorities and women, may be incorporated by reference.
 - (b) The applicant/recipient agrees to ensure that its contractors and subcontractors, regardless of tier, awarding contractors and/or issuing purchase orders for material, supplies, or equipment over \$10,000 in value will incorporate the required EEO provisions in such contracts and purchase orders.
 - (c) The applicant/recipient further agrees that its own employment policies and practices will be without discrimination based on race, color, religion, sex, national origin, handicap or age; and that it has or will develop and submit to FHWA by _____ an affirmative action plan consistent with the Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607, and the Affirmative Action Guidelines, 29 CFR 1608.
6. **Copeland Act:** All contracts in excess of \$2,000 for construction or repair awarded by recipient and its contractors or subcontractors shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This Act provides that each contractor or subcontractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, or give up any part of the compensation to which he or otherwise entitled. The recipient shall report all suspected or reported violations to FHWA.
7. **Davis-Bacon Act:** When required by the Federal program legislation, all construction contracts awarded by the recipient and its contractors or subcontractors of more than \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the G/CAO.
8. **Contract Work Hours and Safety Standards Act:** Where applicable, all contracts awarded by recipient in excess of \$2,500 that involve the employment of mechanics or laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1-1/2 times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act if applicable to construction work provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
9. **Access to Records:** All negotiated contracts (except those of \$10,000 or less) awarded by recipients shall include a provision to the effect that the recipient, FHWA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts, and transcriptions.
10. **Civil Rights Act:** The recipient shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and in accordance with Title VI of that Act, no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied that benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient received Federal financial assistance and shall immediately take any measures necessary to effectuate this Agreement. It shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where:
 - (a) The primary purpose of and instrument is to provide employment, or
 - (b) Discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
11. **Nondiscrimination:** The applicant/recipient hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d), related nondiscrimination statutes, and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the applicant/recipient receives Federal financial assistance. The specific requirements of the United States Department of Transportation standard Civil Rights assurances with regard to the States' highway safety programs (required by 49 CFR 21.7 and on file with the U.S. DOT) are incorporated in this grant agreement.
12. **Rehabilitation Act:** The recipient shall comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794, P.L. 93-112), and all requirements imposed by or pursuant to the regulations of the Department of Health, Education, and Welfare (45 CFR, Parts 80, 81, and 84), promulgated under the foregoing statute. It agrees that, in accordance with the foregoing requirements, no otherwise qualified handicapped person, by reason of handicap, shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, and that it shall take any measures necessary to effectuate this Agreement.
13. **Government Rights (Unlimited):** FHWA shall have unlimited rights for the benefit of the Government in all other work developed in the performance of this Agreement, including the right to use same on any other Government work without additional cost to FHWA.

PROJECT NO. _____

PROJECT AMENDMENT NUMBER _____

GRANT AGREEMENT FOR FISCAL YEAR 19____
BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION
AND

THE _____
(STATE LEAD AGENCY)

dated _____, is entered into in accordance with Title IV of the Surface Transportation Assistance Act of 1982 and subsequent amendments thereto. This amendment shall be attached to and become a part of the referenced grant agreement. This agreement is hereby revised for the purpose described:

This amendment ☐ increases
☐ decreases Federal Funding.
☐ does not change

The prior total cost of this MOTOR CARRIER SAFETY ASSISTANCE PROGRAM was projected to be \$ _____ with a Federal share not to exceed \$ _____.

The revised total program cost is now projected to be: \$ _____

The Federal share is ☐ increased
☐ decreased in the amount of \$ _____
☐ unchanged

providing for a revised total Federal share not to exceed \$ _____

All other terms and conditions of this grant remain unchanged.

This amendment is effective _____ and expires on September 30, 19____.

STATE
SEAL

Name of Authorized Representative

Title: _____

Date: _____

**ADVANCE
COPY**

FEDERAL HIGHWAY ADMINISTRATION

Name of Authorized Representative

Title: _____

Date: _____

GENERAL PROVISIONS FOR MCSAP AGREEMENT

1. **General Provisions:** The State will comply with all requirements imposed by FHWA concerning special requirements of law, program requirements, and other administrative requirements.
2. **Regulation Requirements:** The State hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements, including 49 CFR, Part 350, and applicable OMB Circulars No. A-102 and A-87 as they relate to the application, acceptance and use of Federal funds for this federally-assisted project.
3. **Modifications:** This agreement may be amended at any time by a written modification properly executed by both the FHWA and the State.
4. **Retention and Custodial for Records:**
 - (a) Financial records, supporting documents, statistical records, and all other records pertinent to this instrument shall be retained for a period of three years, with the following exception:
 - (1) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation claims, or audit findings involving the records have been resolved.
 - (2) Records for nonexpendable property, if any, required with Federal funds shall be retained for three years after its final disposition.
 - (3) When records are transferred to or maintained by FHWA, the 3-year retention requirement is not applicable to the recipient.
 - (b) The retention period starts from the date of the submission of the final expenditure report.
 - (c) The Secretary of Transportation and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient, and its contractors and subcontractors, to make audits, examinations, excerpts, and transcripts.
5. **Equal Employment Opportunity:**
 - (a) The application/recipient agrees to incorporate in all contracts having a value of over \$10,000, the provisions requiring compliance with Executive Order 11246, as amended, and implementing regulations of the United States Department of Labor at 41 CFR 60, the provisions of which, other than the standard EEO clause and applicable goals for employment of minorities and women, may be incorporated by reference.
 - (b) The applicant/recipient agrees to ensure that its contractors and subcontractors, regardless of tier, awarding contractors and/or issuing purchase orders for material, supplies, or equipment over \$10,000 in value will incorporate the required EEO provisions in such contracts and purchase orders.
 - (c) The applicant/recipient further agrees that its own employment policies and practices will be without discrimination based on race, color, religion, sex, national origin, handicap or age; and that it has or will develop and submit to FHWA by _____ an affirmative action plan consistent with the Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607, and the Affirmative Action Guidelines, 29 CFR 1608.
6. **Copeland Act:** All contracts in excess of \$2,000 for construction or repair awarded by recipient and its contractors or subcontractors shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This Act provides that each contractor or subcontractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, or give up any part of the compensation to which he or otherwise entitled. The recipient shall report all suspected or reported violations to FHWA.
7. **Davis-Bacon Act:** When required by the Federal program legislation, all construction contracts awarded by the recipient and its contractors or subcontractors of more than \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the G/CAO.
8. **Contract Work Hours and Safety Standards Act:** Where applicable, all contracts awarded by recipient in excess of \$2,500 that involve the employment of mechanics or laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1-1/2 times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act if applicable to construction work provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
9. **Access to Records:** All negotiated contracts (except those of \$10,000 or less) awarded by recipients shall include a provision to the effect that the recipient, FHWA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts, and transcripts.
10. **Civil Rights Act:** The recipient shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and in accordance with Title VI of that Act, no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied that benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient received Federal financial assistance and shall immediately take any measures necessary to effectuate this Agreement. It shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where:
 - (a) The primary purpose of and instrument is to provide employment, or
 - (b) Discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
11. **Nondiscrimination:** The applicant/recipient hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d), related nondiscrimination statutes, and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the applicant/recipient receives Federal financial assistance. The specific requirements of the United States Department of Transportation standard Civil Rights assurances with regard to the States' highway safety programs (required by 49 CFR 21.7 and on file with the U.S. DOT) are incorporated in this grant agreement.
12. **Rehabilitation Act:** The recipient shall comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794, P.L. 93-112), and all requirements imposed by or pursuant to the regulations of the Department of Health, Education, and Welfare (45 CFR, Parts 80, 81, and 84), promulgated under the foregoing statute. It agrees that, in accordance with the foregoing requirements, no otherwise qualified handicapped person, by reason of handicap, shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, and that it shall take any measures necessary to effectuate this Agreement.
13. **Government Rights (Unlimited):** FHWA shall have unlimited rights for the benefit of the Government in all other work developed in the performance of this Agreement, including the right to use same on any other Government work without additional cost to FHWA.



**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
WASHINGTON, D.C.**

State and Local Reporting Committee
1801 L Street, N.W.
Washington, D.C. 20507

EEOC FORM 164, STATE AND LOCAL GOVERNMENT INFORMATION (EEO-4)

INSTRUCTION BOOKLET

[Please Read This Booklet Before Completing Enclosed Report]

Under Public Law 88-352, Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, all State and local governments that have 15 or more employees are required to keep records and to make such reports to the Equal Employment Opportunity Commission as are specified in the regulations of the Commission. The applicable provisions of the law, Section 709(c) of Title VII, and the regulations issued by the Commission are printed in full in the Appendix (4) of these instructions. School systems and educational institutions are covered by other employment surveys and are excluded from EEO-4.

In the interests of consistency, uniformity and economy, State and Local Government Report EEO-4 is being utilized by Federal government agencies that have responsibilities with respect to equal employment opportunity. A joint State and Local Reporting Committee, with which this report must be filed, represents these various Federal agencies. In addition, this report should bring about uniformity in State and local government recordkeeping and reporting and should serve as a valuable tool for use by the political jurisdictions in evaluating their own internal programs for insuring equal employment opportunity.

As stated above, the filing of Report EEO-4 is required by law; it is *not voluntary*. Under Section 709(c) of Title VII, the Attorney General of the United States may compel a jurisdiction to file this report by obtaining an order from a United States District Court.

1. WHO MUST FILE

Those who must file this report include: (1) all States; (2) all other political jurisdictions which have 100 or more employees; and (3) an annual sample of those political jurisdictions which have 15-99 employees. The sample is

rotated annually, so that none of the smaller jurisdictions will be required to file in consecutive years, but all will be required to file in their turn. Sampled jurisdictions will be informed by receipt of the forms that they have been selected to report in a particular year.

2. WHO MUST KEEP RECORDS

Every political jurisdiction with 15 or more employees must make and keep records and statistics which would be necessary for the completion of Report EEO-4, as set forth in these instructions. Records must be kept for a period of 3 years. See regulations 1602.30 and 1602.31 in the Appendix (4).

Although the EEO-4 report requires the combining of agency data to complete the report, separate data for each agency must be maintained either by the agency itself or by the office responsible for preparing the EEO-4 report, and should be available upon request to representatives of Federal agencies.

3. HOW TO FILE

State and local governments must file EEO-4 reports according to the number of full-time employees on the payroll as follows:

A. FEWER THAN 250 FULL-TIME EMPLOYEES

- (1) File *one* (1) report for all functions performed which includes all employees.
- (2) Check each box in Section C which represents a function performed by the jurisdiction.
- (3) Include a list of *any* agencies not included in the report with the complete address for any agencies listed.

B. MORE THAN 249 FULL-TIME EMPLOYEES

File one form for each function listed on page 1 of the form (if that function is performed), for a maximum of 15 forms. Jurisdictions should report only persons on the jurisdiction's payroll.

Blank forms will be sent to a central office for the political jurisdiction. In those jurisdictions where all data are available at a single location, forms may be completed by the central office. Where data are not available centrally, figures should be obtained by the central office from all agencies and aggregated onto the proper forms by functions.

If you file forms for more than one function, a **Summary Sheet** will be included with your forms. On the **Summary Sheet** you are requested to check those functions for which you are submitting completed reports; functions for which you are not reporting; and functions for which you will be reporting at a later date. This will facilitate our own record-keeping, and minimize unnecessary follow-up correspondence. Full-time employment must also be reported on the **Summary Sheet**.

The **Summary Sheet** provides for one certification statement as to the accuracy and completeness of the entire report from the jurisdiction. If such certification can be and is made by one official, a separate signature on every form will not be required.

The fact that a branch or agency of a government has separately elected officials, or is autonomous or semi-autonomous in its operations does not affect the legal status of the jurisdiction, nor the requirement that EEO-4 cover the entire jurisdiction. To the extent feasible, the report should cover all branches of the government. In any cases where that is not feasible, and data are not available to the central office of the government, *a list of agencies and addresses not included should accompany the report.*

Where interstate, intercounty, etc., boards, agencies, commissions, or other type special district governments exist, **ONE FORM** should be submitted by the headquarters of the special district.

In conclusion, the submitted report must contain the following submitted in one (1) package:

- (1) One (1) **SUMMARY SHEET**.
- (2) The original and one (1) copy of up to 15 reports based on the number of functions performed.
- (3) A list of agencies not included in the report but which should have been included in the report, with the complete address for any agency listed.

4. WHEN TO FILE

This annual report must be filed with the Equal Employment Opportunity Commission no later than the date printed in the accompanying cover letter. Full-time and part-time employment figures should cover the payroll period which includes June 30 of the survey year. New hires data is for the entire fiscal year which ends on June 30.

5. WHERE TO FILE

The completed reports (in duplicate) should be forwarded to the P.O. Box indicated on the EEO-4 form. All requests for additional information and report forms should also be directed to that address.

6. SPECIAL REPORTING PROCEDURES

An employer who claims that preparation or the filing of Report EEO-4 would create undue hardships may apply to the Commission for a special reporting procedure. In such cases, the employer must submit **in writing** a proposal for compiling and reporting information to:

The EEO-4 Coordinator
EEOC—Surveys
1801 L Street, N.W.
Washington, D.C. 20507

Only those special procedures approved in writing by the Commission are authorized. Such authorizations remain in effect until notification of cancellation is given or EEOC publishes a change to the survey form.

A computer printout is also a special reporting procedure. Only the print format designed and approved by EEOC will be accepted. A copy of that format with an explanatory memorandum may be acquired from the EEO-4 Coordinator at the above address.

7. ELECTED AND APPOINTED OFFICIALS

Section 701(f) of the Equal Employment Opportunity Act of 1972 contains an exemption for elected and certain appointed officials that is set forth in the definition of "employee" in Appendix (1). Based on the legislative history of Section 701(f), the General Counsel of the Commission has ruled that this exemption was intended by the Congress to be construed narrowly. This ruling concluded that only the following persons would be included in the exemption:

- (1) State and local elected officials.
- (2) Such official's immediate secretary, administrative, legislative, or other immediate or first-line aide.
- (3) Such official's legal advisor.
- (4) Appointed cabinet officials in the case of a Governor, or heads of executive departments in the case of a Mayor or County Council.

No other persons appointed by an elected official are exempt under this interpretation. In no case is any person exempt who is appointed by an appointed official, whether or not the latter is exempt. Furthermore, as specified in Section 701(f), the exemption does not include employees subject to the civil service laws of a State government, governmental agency or political subdivision.

8. CONFIDENTIALITY

All reports and information from individual reports are subject to the confidentiality provisions of Section

709(e) of Title VII, and may not be made public by EEOC prior to the institution of any proceeding under Title VII. However, aggregate data may be made public in a manner so as not to reveal any particular jurisdiction's statistics. Barring prohibitive State or local legislation, a political jurisdiction may make its EEO-4 Report public at any time.

9. ESTIMATE OF BURDEN

Public reporting burden for this collection of information is estimated to vary from five (5) to six (6) hours per response, with an average of five and two-tenths (5.2) hours including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. A response is defined as one survey form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

The EEOC Clearance Officer
Office of Management—Room 2220
1801 L Street, N.W.
Washington, D.C. 20507

AND

Paperwork Reduction Project (3046-0008)
Office of Management and Budget
Washington, D.C. 20503

The full text of the new OMB regulations may be found at 5 CFR Part 1320, or *Federal Register*, vol. 53, no. 90, Tuesday, May 10, 1988, page 16618.

PLEASE DO NOT SEND YOUR COMPLETED REPORT TO EITHER OF THESE ADDRESSES.

INSTRUCTIONS ON HOW TO PREPARE INFORMATION REPORTS

Definitions of Terms and Categories are
Located in the Appendix

SECTION A—TYPE OF GOVERNMENT

Check one box indicating type of government.

SECTION B—IDENTIFICATION

Indicate the name and central mailing address of the governmental jurisdiction if different from address label in top margin.

SECTION C—FUNCTION

1. Jurisdictions with fewer than 250 full-time employees are mailed only one form. Report all jurisdiction employees on this form. Indicate in Section C of the form which functions are performed by your jurisdiction.
2. Jurisdictions with more than 249 full-time employees are mailed up to 15 forms. Please use a separate form for each function for which you are reporting.

The data should be aggregated for all agencies performing a particular function. This also applies to unspecified functions which are to be combined in one report for Function 15, "Other". State education agencies, both agencies covering elementary and secondary schools and those covering higher education, should be included in Function 15.

If an agency's activities cover more than one of the form's specified functions, those activities should be separated and reported under separate functions, where it is feasible to do so. Where the political jurisdiction is unable to make such separation of data, the agency should be reported under the function that represents its dominant activity. For example, if a transportation department includes among other functions streets and highways, and two-thirds of the employees of the department are engaged in street-and-highway activities, those employees should be separated out and reported separately if feasible. If not, the entire department should be reported in Function 2, Streets and Highways.

On page 4 of each function report, list the departments or agencies included in this function. For instance, Function 1 might include: Office of the Tax Collector, Office of the Mayor, Office of the District Attorney, etc.

SECTION D—EMPLOYMENT DATA AS OF JUNE 30

For purposes of this report, a person is an employee of a political jurisdiction if he or she is on the payroll of that jurisdiction, regardless of the source of the funds by which the person is paid.

1. FULL-TIME EMPLOYEES

(For detailed explanation of job categories and race/ethnic identification, see Appendix.)

Employment data should include total full-time employment except those elected and appointed officials specified in Section 7 above of these instructions. Where employees receive separate salaries or payments from two or more jurisdictions, but work full-time for one jurisdiction, they should be counted as full-time employees by that jurisdiction, and to the extent possible their annual salary should reflect their total earnings from all jurisdictions from which they are paid. Also, where a person is a full-time employee

of a jurisdiction, but is employed in more than one function, he or she should be reported for the function which accounts for most of the worktime. Trainees should be counted in appropriate columns by job, salary, race/ethnic group, and sex. Every employee must be accounted for in one and only one of the categories. Definitions are included in the Appendix (2).

a. Race/Sex Data—Columns B through K must reflect employment for the categories indicated. The line totals for columns B through K are entered in Column A.

b. Occupational Data—Employment data should be reported by annual salary within job category. Report each employee in *only one* job/salary category. In order to simplify and standardize the method of reporting, all jobs are considered as belonging in one of the broad occupations shown in the table. To assist you in determining how to place your jobs within the occupational groups, a description of job categories with examples follows in the Appendix (3). The list of examples is in no way exhaustive.

***Total Lines**—Report *total employment for this matrix*, as well as row totals.

c. Annual Salary—Where employees are paid on an other than annual basis, their regular earnings in the payroll period which includes June 30 should be expanded and expressed in terms of an annual income. All special increments of an employee's annual earnings which are regular and recurrent should be included. Overtime pay should not be included.

2. OTHER THAN FULL-TIME EMPLOYEES

Employment data should include all employees not included in a full-time matrix, except those specifically exempted (see Section 7, Elected and Appointed Officials.) Where employees are working part-time for different jurisdictions, and are on separate payrolls of different jurisdictions, they should be reported as part-time employees of the separate jurisdictions. Persons on the payroll of the jurisdiction for a specified temporary appointment, such as a public employment program, should be included in this category.

***Total Lines**—Report *total employment for this matrix*, as well as row totals.

3. NEW HIRES DURING FISCAL YEAR (A FISCAL YEAR COVERS THE PERIOD JULY 1-JUNE 30)

Include those employees who were hired during the fiscal year into permanent full-time positions whether or not they terminated employment prior to the end of the fiscal year. New Hires are included in Section D-1 if they were full-time employees at the end of the fiscal year. **Total Lines**—Report *total employment for this matrix*, as well as row totals.

REMARKS

Include in this section: (1) the list of your government agencies included in this report, and (2) any remarks, ex-

planations, or other pertinent information regarding this report.

NOTE: List here the National Crime Information Center (NCIC) numbers assigned by the U.S. Department of Justice to any criminal justice agencies whose data are included.

CERTIFICATION

Each form must be certified and signed by an official responsible for the information, unless a Summary Sheet has been certified and signed and submitted with the completed forms.

APPENDIX

1. DEFINITION APPLICABLE TO ALL EMPLOYERS

a. "Commission" refers to the Equal Employment Opportunity Commission established under Title VII of the Civil Rights Act of 1964.

b. "Employee" means an individual employed by a political jurisdiction, who is on the payroll of that jurisdiction, regardless of the source of the funds by which the worker is paid. The following is an exception from the definition, subject to the interpretation in Section 7 above of these instructions. The term "employee" shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policy making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exception set forth in the preceding sentence shall *not* include employees subject to the civil service laws of a State government, governmental agency or political subdivision.

c. "Full-time Employees"—Persons employed during this pay period to work the number of hours per week that represent regular full-time employment (excluding temporaries and intermittents).

d. "Other Than Full-time Employees"—Persons employed during this pay period on a part-time basis. Include those daily or hourly employees usually engaged for less than the regular full-time work week, temporaries working on a seasonal basis (whether part-time or full-time) or hired for the duration of a particular job or operation, including public employment programs, and intermittents.

e. "New Hires During Fiscal Year"—Persons both with and without previous experience and transfers who were hired for the first time in this jurisdiction or rehired after a break in service for permanent full-time employment.

2. RACE/ETHNIC IDENTIFICATION

An employer may acquire the race/ethnic information necessary for this section either by visual surveys of the work force, or from post-employment records as to the identity of employees. Since visual surveys are permitted, and the

fact that race/ethnic identifications are not present on agency records is not an excuse for failure to provide the data called for. However, although the Commission does not encourage direct inquiry as a method of determining racial or ethnic identity, this method is not prohibited in cases where it has been used in the past, or where other methods are not practical, provided it is not used for purposes of discrimination.

Moreover, the fact that employees may be located at different addresses does not provide an acceptable reason for failure to comply with the reporting requirements. In such cases, it is recommended that visual surveys be conducted for the employer by persons such as supervisors who are responsible for the work of the employees or to whom the employees report for instruction or otherwise.

Please note that the General Counsel of the Commission has ruled, on the basis of court decisions, that the Commission has the authority to require the racial and ethnic identification of employees, regardless of any possible conflicting state or local laws.

The concept of race as used by the Equal Employment Opportunity Commission does *not* denote clearcut scientific definitions of anthropological origins. For the purposes of this report, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person may be counted in more than *one* race/ethnic category.

NOTE: The category "HISPANIC", while not a race identification, is included as a separate race/ethnic category because of the employment discrimination often encountered by this group; for this reason do not include HISPANIC under either "white" or "black".

For the purposes of the report, the following race/ethnic categories will be used:

- a. **White (not of Hispanic origin):** All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- b. **Black (not of Hispanic origin):** All persons having origins in any of the Black racial groups of Africa.
- c. **Hispanic:** All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- d. **Asian or Pacific Islander:** All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.
- e. **American Indian or Alaskan Native:** All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

3. DESCRIPTION OF JOB CATEGORIES

a. Officials and Administrators: Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and-housing, fire, A.B.C. Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.

b. Professionals: Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dieticians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors and mapping scientists, and kindred workers.

c. Technicians: Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers, drafters, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers and weighers), and kindred workers.

d. Protective Service Workers: Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, fire fighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers.

e. Paraprofessionals: Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Included: research assistants, medical aids, child support workers, policy auxiliary welfare

service aids, recreation assistants, nonemancipated aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.

f. Administrative Support (Including Clerical and Sales): Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, clerk-typists, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.

g. Skilled Craft Workers: Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators, and kindred workers.

h. Service-Maintenance: Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundkeepers, refuse collectors, construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.

4. LEGAL BASIS FOR REQUIREMENTS

Section 709(c), Title VII, Civil Rights Act of 1964

(As Amended by the Equal Employment
Opportunity Act of 1972)

Recordkeeping: reports

Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by

regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purposes of this title, including, but not limited to, a list of applicants who wish to participate in such programs, including the chronological order in which applications were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if such application for an exemption is denied, bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief. If any person required to comply with the provisions of this subsection fails or refuses to do so, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, or the Attorney General in a case involving a government, governmental agency or political subdivision, have jurisdiction to issue to such person an order requiring him to comply.

Title 29, Chapter XIV, Code of Federal Regulations

Subpart I—State and Local Governments Recordkeeping

§ 1602.30 Records to be made or kept.

On or before September 30, 1974, and annually thereafter, every political jurisdiction with 15 or more employees is required to make or keep records and the information there from which are or would be necessary for the completion of report EEO-4 under the circumstances set forth in the instructions thereto, whether or not the political jurisdiction is required to file such report under § 1602.32 of the regulations in this part. The instructions are specifically incorporated therein by reference and have the same force and effect as other sections of this part.¹ Such records and the information therefrom shall be retained at all times for a

¹Note.—Instructions were published as an appendix to the proposed regulations on Mar. 2, 1973 (38 FR 5662).

period of 3 years at the central office of the political jurisdiction and shall be made available if requested by an officer, agent, or employee of the Commission under Section 710 of Title VII, as amended. Although agency data are aggregated by functions for purposes of reporting, separate data for each agency must be maintained either by the agency itself or by the office of the political jurisdiction responsible for preparing the EEO-4 form. It is the responsibility of every political jurisdiction to obtain from the Commission or its delegate necessary instructions in order to comply with the requirements of this section.

§ 1602.31 Preservation of records made or kept.

(a) Any personnel or employment record made or kept by a political jurisdiction (including but not necessarily limited to application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation, and selection of training or apprenticeship) shall be preserved by the political jurisdiction for a period of 2 years from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of 2 years from the date of termination. Where a charge of discrimination has been filed, or an action brought by the Attorney General against a political jurisdiction under Title VII, the respondent political jurisdiction shall preserve all personnel records relevant to the charge or action until final disposition of the charge or the action. The term "personnel record relevant to the charge," for example, would include personnel or employment records relating to the person claiming to be aggrieved and to all other employees holding positions similar to that held or sought by the person claiming to be aggrieved; and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the person claiming to be aggrieved applied and was rejected. The date of final disposition of the charge or the action means the date of expiration of the statutory period within which a person claiming to be aggrieved may bring an action in a U.S. district court, or where an action is brought against a political jurisdiction either by a person claiming to be aggrieved or by the Attorney General, the date on which such litigation is terminated.

(b) The requirements of this section shall not apply to application forms and other preemployment records of applicants for positions known to applicants to be of a temporary or seasonal nature.

Supart J—State and Local Government Information Report

§ 1602.32 Requirement for filing and preserving copy of report.

(a) On or before September 30, 1974 and annually thereafter, certain political jurisdictions subject to Title VII of the Civil Rights Act of 1964, as amended, shall file with the Commission or its delegate executed copies of "State and Local Government Information Report EEO-4" in conformity with the directions set forth in the form and accompanying instructions. The political jurisdictions covered by this regulation are (1) those which have 100 or more employees, and (2) those other political jurisdictions which have 15 or more employees from whom the Commission requests the filing of reports. Every such political jurisdiction shall retain at all times a copy of the most recently filed EEO-4 at the central office of the political jurisdiction for a period of 3 years and shall make the same available if requested by an officer, agent, or employee of the Commission under the authority of Section 710 of Title VII, as amended.

(b) For calendar year 1973, the requirements of paragraph (a) of this section shall be carried out on or before October 31, 1973.

§ 1602.33 Penalty for making of willfully false statements on report.

The making of willfully false statements on report EEO-4, is a violation of the United States Code, Title 18, Section 1001, and is punishable by fine or imprisonment as set forth therein.

§ 1602.34 Commission's remedy for political jurisdiction's failure to file report.

Any political jurisdiction failing or refusing to file report EEO-4 when required to do so may be compelled to file by order of a U.S. district court, upon application of the Attorney General.

§ 1602.35 Political jurisdiction's exemption from reporting requirements.

If it is claimed the preparation or filing of the report would create undue hardship, the political jurisdiction may apply to the Commission for an exemption from the requirements set forth in this part by submitting to the Commission or its delegate a specific proposal for an alternative reporting system prior to the date on which the report is due.

§ 1602.36 Schools exemption.

The recordkeeping and report-filing requirements of subparts I and J shall not apply to State or local educational institutions or to school districts or school systems or any other educational functions. The previous sentence of this section shall not act to bar jurisdiction which otherwise would attach under § 1602.30.

§ 1602.37 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as the "State and Local Government Information Report EEO-4," about the employment practices of individual political jurisdictions or group of political jurisdictions whenever, in its judgment, special supplemental reports are necessary to accomplish the purposes of Title VII. Any system for the requirement of such reports will be established in accordance with the procedures referred to in section 709(c) of Title VII and as otherwise prescribed by law.

Subpart K—Records and Inquiries as to Race, Color, National Origin, or Sex

§ 1602.38 Applicability of State or Local Law.

The requirements imposed by the Equal Employment Opportunity Commission in these regulations, subparts I and J, supersede any provisions of State or local law which may conflict with them.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
STATE AND LOCAL GOVERNMENT INFORMATION (EEO-4)

EXCLUDE SCHOOL SYSTEMS AND EDUCATIONAL INSTITUTIONS
(Read attached instructions prior to completing this form)

APPROVED BY
OMB
3046-0008
EXPIRES
12/31/91

DO NOT ALTER INFORMATION PRINTED IN THIS BOX

MAIL COMPLETED
FORM TO:

A. TYPE OF GOVERNMENT (Check one box only)

- ☐ 1. State ☐ 2. County ☐ 3. City ☐ 4. Township ☐ 5. Special District
☐ 6. Other (Specify) _____

B. IDENTIFICATION

1. NAME OF POLITICAL JURISDICTION (If same as label, skip to Item C)				EEOC USE ONLY A
2. Address—Number and Street	CITY/TOWN	COUNTY	STATE/ZIP	
				B

C. FUNCTION

(Check one box to indicate the function(s) for which this form is being submitted. Data should be reported for all departments and agencies in your government covered by the function(s) indicated. If you cannot supply the data for every agency within the function(s), please attach a list showing name and address of agencies whose data are not included.)

1. FINANCIAL ADMINISTRATION. Tax assessing, tax billing and collection, budgeting, purchasing, central accounting and similar financial administration carried on by a treasurer's, auditor's or comptroller's office and GENERAL CONTROL. Duties usually performed by boards of supervisors or commissioners, central administrative offices and agencies, central personnel or planning agencies, all judicial offices and employees (judges, magistrates, bailiffs, etc.)	8. HEALTH. Provision of public health services, out-patient clinics, visiting nurses, food and sanitary inspections, mental health, alcohol rehabilitation service, etc.
2. STREETS AND HIGHWAYS. Maintenance, repair, construction and administration of streets, alleys, sidewalks, roads, highways and bridges.	9. HOUSING. Code enforcement, low rent public housing, fair housing ordinance enforcement, housing for elderly, housing rehabilitation, rent control.
3. PUBLIC WELFARE. Maintenance of homes and other institutions for the needy; administration of public assistance. (Hospitals and sanatoriums should be reported as item 7.)	10. COMMUNITY DEVELOPMENT. Planning, zoning, land development, open space, beautification, preservation.
4. POLICE PROTECTION. Duties of a police department sheriff's, constable's, coroner's office, etc., including technical and clerical employees engaged in police activities.	11. CORRECTIONS. Jails, reformatories, detention homes, half-way houses, prisons, parole and probation activities.
5. FIRE PROTECTION. Duties of the uniformed fire force and clerical employees. (Report any forest fire protection activities as item 6.)	12. UTILITIES AND TRANSPORTATION. Includes water supply, electric power, transit, gas, airports, water transportation and terminals.
6. NATURAL RESOURCES. Agriculture, forestry, forest fire protection, irrigation drainage, flood control, etc., and PARKS AND RECREATION. Provision, maintenance and operation of parks, playgrounds, swimming pools, auditoriums, museums, marinas, zoo, etc.	13. SANITATION AND SEWAGE. Street cleaning, garbage and refuse collection and disposal. Provision, maintenance and operation of sanitary and storm sewer systems and sewage disposal plants.
7. HOSPITALS AND SANATORIUMS. Operation and maintenance of institutions for inpatient medical care.	14. EMPLOYMENT SECURITY
	15. OTHER (Specify on Page Four)

U.S. GOVERNMENT PRINTING OFFICE: 1989-626-028

D. EMPLOYMENT DATA AS OF JUNE 30 (Cont.) (Do not include elected/appointed officials. Blanks will be counted as zero)												
1. FULL-TIME EMPLOYEES (Temporary employees not included)												
JOB CATEGORIES	ANNUAL SALARY (In thousands 000)	TOTAL (COLUMNS B-K) A	MALE					FEMALE				
			NON-HISPANIC ORIGIN		HISPANIC D	ASIAN OR PACIFIC ISLANDER E	AMERICAN INDIAN OR ALASKAN NATIVE F	NON-HISPANIC ORIGIN		HISPANIC I	ASIAN OR PACIFIC ISLANDER J	AMERICAN INDIAN OR ALASKAN NATIVE K
			WHITE B	BLACK C				WHITE G	BLACK H			
SKILLED CRAFT	49. \$ 0.1-7.9											
	50. 8.0-11.9											
	51. 12.0-15.9											
	52. 16.0-19.9											
	53. 20.0-24.9											
	54. 25.0-32.9											
	55. 33.0-42.9											
	56. 43.0 PLUS											
SERVICE/ MAINTENANCE	57. 0.1-7.9											
	58. 8.0-11.9											
	59. 12.0-15.9											
	60. 16.0-19.9											
	61. 20.0-24.9											
	62. 25.0-32.9											
	63. 33.0-42.9											
	64. 43.0 PLUS											
65. TOTAL FULL TIME (LINES 1-64)												
2. OTHER THAN FULL-TIME EMPLOYEES (Include temporary employees)												
66. OFFICIALS/ADMIN.												
67. PROFESSIONALS												
68. TECHNICIANS												
69. PROTECTIVE SERV.												
70. PARA-PROFESSIONAL												
71. ADMIN. SUPPORT												
72. SKILLED CRAFT												
73. SERV./MAINT.												
74. TOTAL OTHER THAN FULL TIME (LINES 66-73)												
3. NEW HIRES DURING FISCAL YEAR - Permanent full time only JULY 1 - JUNE 30												
75. OFFICIALS/ADMIN.												
76. PROFESSIONALS												
77. TECHNICIANS												
78. PROTECTIVE SERV.												
79. PARA-PROFESSIONAL												
80. ADMIN. SUPPORT												
81. SKILLED CRAFT												
82. SERV./MAINT.												
83. TOTAL NEW HIRES (LINES 75-82)												

D. EMPLOYMENT DATA AS OF JUNE 30 (Do not include elected/appointed officials. Blanks will be counted as zero)												
1. FULL-TIME EMPLOYEES (Temporary employees not included)												
JOB CATEGORIES	ANNUAL SALARY (In thousands 000)	TOTAL (COLUMNS B-K)	MALE					FEMALE				
			NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
			WHITE	BLACK				WHITE	BLACK			
		A	B	C	D	E	F	G	H	I	J	K
OFFICIALS/ ADMINISTRATORS	1. \$ 0.1-7.9											
	2. 8.0-11.9											
	3. 12.0-15.9											
	4. 16.0-19.9											
	5. 20.0-24.9											
	6. 25.0-32.9											
	7. 33.0-42.9											
	8. 43.0 PLUS											
PROFESSIONALS	9. 0.1-7.9											
	10. 8.0-11.9											
	11. 12.0-15.9											
	12. 16.0-19.9											
	13. 20.0-24.9											
	14. 25.0-32.9											
	15. 33.0-42.9											
	16. 43.0 PLUS											
TECHNICIANS	17. 0.1-7.9											
	18. 8.0-11.9											
	19. 12.0-15.9											
	20. 16.0-19.9											
	21. 20.0-24.9											
	22. 25.0-32.9											
	23. 33.0-42.9											
	24. 43.0 PLUS											
PROTECTIVE SERVICE	25. 0.1-7.9											
	26. 8.0-11.9											
	27. 12.0-15.9											
	28. 16.0-19.9											
	29. 20.0-24.9											
	30. 25.0-32.9											
	31. 33.0-42.9											
	32. 43.0 PLUS											
PARA-PROFESSIONALS	33. 0.1-7.9											
	34. 8.0-11.9											
	35. 12.0-15.9											
	36. 16.0-19.9											
	37. 20.0-24.9											
	38. 25.0-32.9											
	39. 33.0-42.9											
	40. 43.0 PLUS											
ADMINISTRATIVE SUPPORT	41. 0.1-7.9											
	42. 8.0-11.9											
	43. 12.0-15.9											
	44. 16.0-19.9											
	45. 20.0-24.9											
	46. 25.0-32.9											
	47. 33.0-42.9											
	48. 43.0 PLUS											

REMARKS (List National Crime Information Center (NCIC) numbers assigned to any Criminal Justice Agencies whose data are included in this report.)		
*** INCLUDE LIST OF AGENCIES IN THIS FUNCTION ***		
CERTIFICATION. I certify that the information given in this report is correct and true to the best of my knowledge and was reported in accordance with accompanying instructions. (Willfully false statements on this report are punishable by law, U.S. Code, Title 18, Section 1001.)		
NAME OF PERSON TO CONTACT REGARDING THIS FORM		TITLE
ADDRESS (Number and Street, City, State, Zip Code)		TELEPHONE NUMBER AREA CODE
DATE	TYPED NAME/TITLE OF AUTHORIZED OFFICIAL	SIGNATURE